

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEPRINO FOODS COMPANY, et
al.,

Plaintiffs,

v.

AVANI OUTPATIENT
SURGICAL CENTER, INC., et al.,
Defendants.

2:22-cv-7434-DSF-JPRx

Order DENYING Motion for
Default Judgment (Dkt. 362)

Plaintiffs have moved for default judgment against Defendant Cristina “Luz” Perryman. The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for March 25, 2024, is removed from the Court’s calendar.

While Perryman has defaulted in this matter, numerous defendants have appeared in this case and are mounting a defense. Plaintiffs’ claims against the other Defendants are intertwined with the claims against Perryman – Plaintiffs explicitly state that Perryman “engaged in a conspiracy” with the other Defendants to defraud Plaintiffs. See Mem. at 1.

It has long been understood that a court should not enter default judgment against a party where the default judgment could impact a non-defaulting party’s liability or where the parties are similarly situated or have closely related defenses. See Frow v. De La Vega, 82 U.S. 552, 554 (1872); In re First T.D. & Inv., Inc., 253 F.3d 520, 531-32 (9th Cir. 2001). This is due both to the potential unfairness to non-

defaulting defendants as well as the “unseemly” potential for inconsistent judgments. Id.

The Court sees no reason to not follow this general rule. It would be at least “unseemly” to enter default judgment against Perryman while other Defendants are in the process of presenting their defenses to closely related, if not intertwined, claims.

The motion for default judgment is DENIED without prejudice to being renewed after the claims against the other Defendants have been resolved.

IT IS SO ORDERED.

Date: March 19, 2024

A handwritten signature in blue ink that reads "Dale S. Fischer". The signature is written in a cursive style and is positioned above a horizontal line.

Dale S. Fischer
United States District Judge